



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

TJR  
Docket No: 4107-00  
8 December 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 7 October 1942 at the age of 20. Your record reflects that you served for nearly a year without incident but on 27 October 1943 you were convicted by summary court-martial (SCM) of a 13 day period of unauthorized absence (UA). You were sentenced to confinement for 15 days and a \$132 forfeiture of pay.

Your record further reflects that you were UA from 16 November 1943 to 21 November 1945, a period of more than two years, when you were apprehended by civil authorities. You were also declared a deserter during this period of absence.

Subsequently, on 11 November 1946, you were convicted by general court-martial (GCM) of desertion during wartime. You were sentenced to a reduction in rate, confinement for five years, and a dishonorable discharge (DD). On 11 February 1947, while awaiting execution of the DD, you received captain's mast (CM) for possession of contraband and were awarded a reduction in rate. After the DD was approved at all levels of review and ordered executed, on 23 July 1947 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, character reference letters, and the supporting documentation from the Veterans of Foreign Wars. The Board also considered your contention that you were court-martialed for following orders. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge given the extremely serious nature of your lengthy period of wartime absence. Further, the Board noted that there is no evidence in your record, and you submitted none, to support your contentions that you were incorrectly given orders to go home, and that these orders resulted in a court-martial conviction. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director



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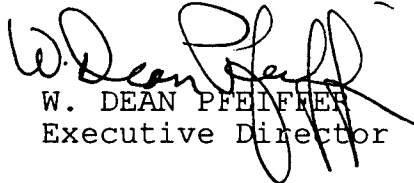
Dear [REDACTED]

This is in reference to your interest, as counsel, in the case of [REDACTED]

Enclosed is a copy of a letter to [REDACTED] informing him that his application has been denied.

It is regretted that a more favorable reply cannot be made.

Sincerely,

  
W. DEAN PFEIFFER  
Executive Director